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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/711,830  | 10/07/2004  | Joachim Hirt         | LUKP:124US          | 5829             |
| 24041   | 7590        | 08/01/2005           | EXAMINER            |                  |
| SIMPSON & SIMPSON, PLLC<br>5555 MAIN STREET<br>WILLIAMSVILLE, NY 14221-5406 |             |                      | LE, DANG D          |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |

2834

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H/A

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/711,830 | <b>Applicant(s)</b><br>HIRT ET AL. |  |
|                              | <b>Examiner</b><br>Dang D. Le        | <b>Art Unit</b><br>2834            |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/21/05</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: delete "and a sensor line" at line 5, first occurrence. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 7, and 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsia (5,394,043).

Regarding claim 1, Hsia shows a motor arrangement having a unit comprising stator and rotor that can be mounted in a motor housing (12) and having a rotor shaft (36) mounted in a fixed bearing(78), wherein an injection-molded part (16) is provided that on an outer annular part has a plug part (80), which includes a branch supply line (100) connected to the coil (22) of the stator and a sensor line (106) connected to a sensor circuit board (72), the sensor circuit board (72) having at least one sensor (104), and the injection-molded part (50) having an inner annular part (70) in which the fixed bearing (78) is mounted against the side that faces axially away from the shaft output (40) of the motor arrangement.

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Regarding claims 2-4, 6, 7, and 9-14, it is noted that Hsia also shows all of the limitations of the claimed invention including the engaging side (right side), the molding compound (116), and the surrounding on the other side (left), the inner and outer annular parts being the circumferential surfaces (84 and 90) .

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsia in view of Batten et al. (5,770,902) and further in view of Merkle et al. (4,902,941).

Regarding claim 5, Hsia shows all of the limitations of the claimed invention except for the branch supply line and the sensor line having the form of a pressed screen and are connected to each other via a detachable jumper part situated on the

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exterior, the areas leading to the sensor circuit board or the stator being fixed or embedded in the outer annular part.

Batten et al. shows the branch supply line and the sensor line having the form of a pressed screen (Figure 2) for the purpose of making connection easier.

Merkle et al. teaches to connect the sensor line and the stator winding for the purpose of providing a feedback control to the stator winding.

Since Hsia, Batten et al., and Merkle et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use pressed screen and to connect the sensor line and the branch supply line as respectively taught by Batten et al. and Merkle et al. for the purposes discussed above.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsia in view of Katayama (4,866,317).

Regarding claim 8, Hsia shows all of the limitations of the claimed invention except for the seals.

Katayama shows the seal (3) for the purpose of enclosing the motor.

Since Hsia and Katayama are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize seals as taught by Katayama for the purposes discussed above.

8. Claims 1-4, 6, 7, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (5,610,458) in view of Batten et al. (5,770,902).

Regarding claim 1, Baker et al. shows a motor arrangement having a unit comprising stator and rotor that can be (patentable weight not given – not a positive limitation) mounted in a motor housing and having a rotor shaft (60) mounted in a fixed bearing, wherein an injection-molded part (50) is provided that on an outer annular part has a plug part (81), which includes a branch supply line connected to the coil of the stator (7), the circuit board (9) having control components, and the injection-molded part (50) having an inner annular part (60) in which the fixed bearing (64, bottom) is mounted against the side that faces axially away from the shaft output of the motor arrangement.

Baker does not show the sensor on the circuit board with connector.

Batten et al. includes the sensor (26) on the circuit board with connector (56) for the purpose of monitoring the motor operation.

Since Baker et al. and Batten et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a sensor on the circuit board and a connector as taught by Batten et al. for the purpose discussed above.

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Regarding claims 2-4, 6, 7, 9, and 13, it is noted that Baker et al. and Batten et al. also show all of the limitations of the claimed invention including circuit board (9, Baker et al.), the sensor circuit board (26, 28, 30, Batten et al.), and electrical component.

9. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. in view of Batten et al. and further in view of Doi et al. (6,753,629)

Regarding claim 8, the motor of Baker et al. modified by Batten et al. includes all of the limitations of the claimed invention except for the interior annular seals, which are annular on the inside when viewed radially, are arranged, preferably integrally molded, on the body of the plug part for tight fitting of the motor housing on the side facing away from the fixed bearing and /or for tight fitting of a cover part on the side facing the fixed bearing.

Doi et al. includes the seal portions (Figures 2A-2C) for the purpose of enclosing the motor .

Since Baker et al., Batten et al., and Doi et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a seal as taught by Doi et al. for the purpose discussed above.

Regarding claim 15, it is noted that Baker et al. also show a cover (5).

***Information on How to Contact USPTO***

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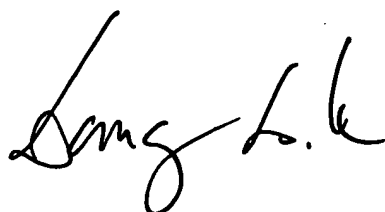
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D. Le whose telephone number is (571) 272-2027.

The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/29/05



DANG LE  
PRIMARY EXAMINER